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1 859, 862–63 (2011) (per curiam). Here, the record shows that these requirements were
2 met. See Doc. #1-1 at 12–16 & 64–73. The Constitution does not require more.
3 Swarthout, 131 S.Ct at 862.

4 The Supreme Court also made clear that the question of whether the BPH's
5 decision was supported by "some evidence" of current dangerousness is irrelevant in
6 federal habeas: "it is no federal concern . . . whether California's 'some evidence' rule of
7 judicial review (a procedure beyond what the Constitution demands) was correctly
8 applied." Swarthout, 131 S.Ct at 863. Accordingly, the instant petition will be
9 **DENIED**.

10 A certificate of appealability also will be **DENIED**. See Rule 11(a) of the Rules
11 Governing Section 2254 Cases. Petitioner has not made "a substantial showing of the
12 denial of a constitutional right." 28 U.S.C. § 2253(c)(2), nor has Petitioner demonstrated
13 that "reasonable jurists would find the district court's assessment of the constitutional
14 claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000). Petitioner
15 may not appeal the denial of a certificate of appealability in this Court, but he may seek a
16 certificate from the Court of Appeals under Rule 22 of the Federal Rules of Appellate
17 Procedure. See Rule 11(a) of the Rules Governing Section 2254 Cases.

18 The clerk shall terminate any pending motions as moot, enter judgment in favor of
19 Respondent and close the file.

20 IT IS SO ORDERED.

21 DATED: 3/4/11
22 _____

23 
24 JEREMY FOGEL
25 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERT L. HILL,

Petitioner,

v.

BEN CURRY, Warden,

Respondent.

Case Number: CV09-00427 CRB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 3/10/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Williams J-42019
Correctional Training Facility
YW-216-Up
P.O. Box 689
Soledad, CA 93960-0689

Dated: 3/10/11

Richard W. Wieking, Clerk